

TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS

DATE: February 8, 2012

TIME: 9:00 A.M., CST

LOCATION: Health Related Boards
Poplar Room
227 French Landing
Nashville, TN 37243

BOARD MEMBERS

PRESENT: David Long, D.P.M., Chair
Paul Somers, D.P.M.
Lawrence Burns, D.P.M.
Karl Fillauer, C.P.O.
Paul Rivard, D.P.M.
Karen Garner, Citizen Member

BOARD STAFF

PRESENT: Christopher Smith, Deputy General Counsel
Alex Munderloh, Deputy General Counsel
James Hill, Board Administrator
Stacy Tarr, Acting Unit Director
Elizabeth L. Miller, Director of Health Related Boards

Dr. Long, Chair, called the meeting to order at 9:00 a.m. Dr. Long conducted a roll call vote. A quorum was present.

Minutes

Dr. Somers made a motion, seconded by Dr. Burns, to approve the November 9, 2011 minutes. The motion carried.

Applicant Interviews

Edwin Downs, Orthotist, appeared before the Board regarding the additional education needed for licensure, after discussion the Board allowed his hours from his certification course to count toward college credits and allow licensure. Dr. Somers made a motion to approve, seconded by Mr. Fillauer. The motion carried.

Joshua Fann, Prosthetist, appeared before the Board regarding his misdemeanor. Mr. Fillauer made a motion to approve, seconded by Dr. Rivard. The motion carried.

Consent Order

The Board reviewed a consent order for **Brian Kiel, D.P.M.**, for the use of uncertified X-Ray operators, Respondent allowed x-ray procedures to be performed in his office by two uncertified persons and one person with an expired x-ray operator license. Dr. Keil agreed to a Reprimand for the supervising Podiatrist. Dr. Somers made a motion, seconded by Dr. Burns, to approve the Consent Order. The motion carried.

The Board reviewed a consent order for **Steven K. Chase, D.P.M.**, for the use of uncertified X-Ray operators, Respondent allowed x-ray procedures to be performed in his office by three uncertified persons. Dr. Chase agreed to a Reprimand for the supervising Podiatrist. Dr. Somers made a motion, seconded by Dr. Burns, to approve the Consent Order. The motion carried.

The Board reviewed a consent order for **David M. Moinester, D.P.M.**, for the use of uncertified X-Ray operators, Respondent allowed x-ray procedures to be performed in his office by two uncertified persons. Dr. Moinester agreed to a Reprimand for the supervising Podiatrist. Dr. Somers made a motion, seconded by Dr. Burns, to approve the Consent Order. The motion carried.

The Board reviewed a consent order for **Allen K. Raich, D.P.M.**, for the use of uncertified X-Ray operators, Respondent allowed x-ray procedures to be performed in his office by two uncertified persons. Dr. Raich agreed to a Reprimand for the supervising Podiatrist. Dr. Somers made a motion, seconded by Dr. Burns, to approve the Consent Order. The motion carried.

Office of General Counsel Report

The office of General Counsel currently has 11 disciplinary cases pertaining to the Board of Podiatric Medical Examiners. There are 4 Consent Order(s) ready to be presented to the Board..

The following Rules amendments were signed by the Secretary of State on January 20, 2012. Rules 1155-02-.02, 1155-02-.04, 1155-02-.05, 1155-02.07, 1155-02-.08, 1155-02-.11, 1155-02-.12, 1155-02-.14, 1155-03-.02, 1155-03-.07, 1155-04-.08, and 1155-05-.11. Amendments address the requirement of criminal background check for renewal and reinstatement change the requirements to qualify for licensure in podiatry, and add a locum tenens license. The effective date of the amended Rules is April 19, 2012.

Agreed Citations

Mr. Fillauer made a motion, seconded by Dr. Somers, to approve the Agreed Citation for **Robert Corbett**, Orthotist, for working on an expired license. The motion carried.

Mr. Fillauer made a motion, seconded by Dr. Somers, to approve the Agreed Citation for **Terrell Tate**, Orthotist, and Prosthetist, for working on an expired license. The motion carried.

Investigative Report

There are eight (8) open cases for Podiatry, four (4) open case for X-Ray operator unlicensed practice, one (1) open case for Orthotist, and one (1) open case for Prosthetist. There are currently nine (9) cases ready for review with the Office of General Council.

Dr. Long questions why the sight survey does not come from the Board but the discipline comes from the Board. Ms. Miller advised the Board that this program was set up by Health Related Boards according to statutory authority with the division that performs the inspections. Mr. Smith advised the Board he is in contact with persons that may be under investigation and spoken with the Podiatrist and they agreed to the facts that were stipulated and that the unlicensed operators were in fact pushing the buttons. They agreed and signed that the person was in fact pushing the buttons and did not dispute the allegations.

Disciplinary Report

There are four (4) practitioners currently being monitored. Two (2) license was revoked, and one (1) on probation.

Administrative Report

There are currently 235 licensed podiatrists, 100 podiatric x-ray operators, 159 orthotists, 144 prosthetists and 74 pedorthists.

Financial Report

For FY June 30, 2011 the Board had expenditures of \$66,280.35, revenues of \$75,551.24.

Board asked if any of the funds may be used to sponsor a speaker for the Annual State TPMA meeting. Dr. Rivard made a motion to support a speaker for the TPMA for the State of Tennessee on a biannual base at a cost of no more than \$500.00, seconded by Dr. Burns. Motion carried.

Application Review

Dr. Somers made a motion, seconded by Mr. Rivard, to approve the following list of X-Ray Operators for Licensure. The motion carried.

**Pamela Terry
Becky Raich
Ophelia Waters
Mary Pruitt
Jennifer Stafford
Brandy Manley
Amberlie Clark
LaTasha Jackson
Brenda Andrade**

Shayna Tudors
Brittney Travillian
Crystal Jackson
Diane Givens
Tondalayo Claybrook
Priscilla Grandberry
Kathrine Smith

Reinstatement Review

Mr. Fillauer made a motion, seconded by Dr. Somers to approve the following list of reinstatement applications. The motion carried.

Robert Corbett, Orthotist
Terrell Tate, Orthotist/Prosthetist
Laura Faulkner, Podiatric X-Ray operator
Christopher Hicks, Prosthetist
Billy Stagner, Orthotist/Prosthetist/Pedorthist

Mr. Fillauer made a motion, seconded by Dr. Somers to approve the following list Pedorthist for licensure. The motion carried.

Matthew Stimson
William Grass

Mr. Fillauer a motion to delay the approval of **Mr. Benjamin Walker** file as a Pedorthist, the Board is requesting Mr. Walker to appear to discuss his file further, seconded by Dr. Somers. The motion carried.

Other Board Business

Dr. Rivard made a motion to approved the Policy Statement for time limits of Criminal Background checks be approved, seconded by Dr. Burns. The motion carried.

Board reviewed a letter from Dr. Haverly requesting advisory ruling for histories and physicals the Board asked Legal counsel to respond to Mr. Haverly advising him that the current policy does allow full body physicals and advise to seek legal counsel.

Mr. Fillauer made a presentation to the Board regarding the licensure requirements comparing Tennessee requirements with fourteen (14) other states, he reported that one (1) being Mississippi currently does not in force licensure all other states laws are based on the ABC model act, Texas and Florida have slightly stricter requirements on clinical residency whereas Tennessee will allow for individuals who were certified before the clinical residency was required to count there 1900 hours of being an assistant as a residency Texas and Florida do not. Tennessee requirements fall well within other states requirements.

Board discussed peer assistance program, at this time the Board asked for information regarding the Prevention Services Provider Directory from the Tennessee Department of Mental Health, Division of Alcohol and Drug Abuse Services to be used to send applicants for evaluations.

Schedule 2012 Board Meeting Dates

The following Board meeting dates were scheduled for 2013:

February 6, 2013
May 1, 2013
August 7, 2013
November 6, 2013

Election of Officers

Dr. Somers nominated Dr. Long for chair, seconded by Dr. Rivard. The motion carried.
Dr. Burns nominated Mr. Fillauer for secretary, seconded by Dr. Somers The motion carried.

With no other Board business Dr. Somers made a motion, seconded by Mr. Fillauer, to adjourn at 11:02. The motion carried.

Adopted by the Board of Podiatric Medical Examiners on this the 9th day of May, 2012.